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DIST 12 JULY 1974

COUNTRY LAOS

DOI 11 JULY 1974

SUBJECT 1. JCIA DRAFT AGEEMENT ON EXCHANGES OF
SOLDIERS, MILITARY PERSONNEL CAPTURED AND
DETAINED DURING THE WAR, AND ON ACQUIRING
INFORMATION ON THOSE MISSING DURING THE
WAR

2. JCIA AGREEMENT ON PROVISIONS FOR
WITHDRAWAL FROM LAOS OF FOREIGN TROOPS
AND MILITARY PERSONNEL

ACQ

SOURCE

SUMMARY.

2853-83-13 ~~SECRET~~APPROVED FOR RELEASE
DATE: FEB 2001

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END SUMMARY.

1. AT THE 11 JULY 1974 PLENARY SESSION OF THE JCIA, THE QUESTIONS OF THE WITHDRAWAL OF FOREIGN TROOPS AND THE EXCHANGE OF PRISONERS OF WAR WERE DISCUSSED. DOCUMENTS ON THESE SUBJECTS WERE FORWARDED TO PRIME MINISTER S O U V A N N A PHOUMA FOR HIS APPROVAL. AN UNOFFICIAL ENGLISH TRANSLATION IS GIVEN BELOW. DISAGREEMENT AROSE OVER THE WORDING OF TWO OF THE PARAGRAPHS IN THE DOCUMENT CONCERNING TROOP WITHDRAWAL. THE VIENTIANE SIDE WANTED PARAGRAPH 1-A TO BEGIN, "FOREIGN TROOPS AND OTHER MILITARY PERSONNEL..." THE LAO PATRIOTIC FRONT (LPF) WANTED THE PARAGRAPH TO BEGIN, "TROOPS AND MILITARY PERSONNEL OF AMERICA, THAILAND AND OTHER FOREIGN COUNTRIES..." THE LPF ALSO WANTED TO MODIFY THE SECOND PARAGRAPH OF THIS

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DOCUMENT, THE VIENTIANE SIDE VERSION OF WHICH READ, "PARTICIPATING PARTIES SHALL PRESENT EACH OTHER THE FOLLOWING DETAILED PLAN ON WITHDRAWAL OF FOREIGN TROOPS ON ITS SIDE." THE LPF DESIRED THAT THE PARAGRAPH READ, "THE PARTIES CONCERNED MUST INFORM EACH OTHER IN DETAIL CONCERNING THE PLAN TO WITHDRAW THE TROOPS OF AMERICA, THAILAND AND OTHER FOREIGN COUNTRIES AS FOLLOWS." THE MATTER HAS BEEN REFERRED TO PRIME MINISTER S O U V A N N A PHOUMA FOR RESOLUTION.

2. THE DOCUMENT ENTITLED "PROVISIONS FOR WITHDRAWAL FROM LAOS OF FOREIGN TROOPS AND MILITARY PERSONNEL" READ AS FOLLOWS:

TO EXERCISE ARTICLE 18, ARTICLE 2A, ARTICLE 4 OF AGREEMENT AND ARTICLE 15, 16 AND 17 OF PROTOCOL OF VIENTIANE, TO SAFEGUARD AND EXERCISE INVIOLEABLE FUNDAMENTAL RIGHTS OF THE NATION, INDEPENDENCE, SOVEREIGNTY, UNITY AND TERRITORIAL INTEGRITY OF LAOS, THE JOINT COMMISSION FOR THE IMPLEMENTATION OF THE AGREEMENT OF VIENTIANE GOVERNMENT AND PATRIOTIC FORCES UNANIMOUSLY MADE PROVISIONS FOR WITHDRAWAL OF FOREIGN TROOPS AND MILITARY PERSONNEL, DISMANTLING MILITARY

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ORGANIZATIONS AND SEMI-MILITARY PERSONNEL OF FOREIGNERS IN LAOS, DISMANTLING SPECIAL FORCES AND ALL BASES OF THE SPECIAL FORCES ORGANIZED AND ARMED BY FOREIGNERS, AND PUTTING AN END TO ALL FOREIGN MILITARY INVOLVEMENT IN LAOS. IF NECESSARY, THE TWO PARTIES SHALL HAVE FURTHER CONSULTATION ABOUT THE CONTENTS OF THESE PROVISIONS IN GREATER DETAIL.

A. WITHDRAWAL FROM LAOS OF FOREIGN TROOPS AND MILITARY PERSONNEL.

1. FOREIGN TROOPS AND OTHER MILITARY PERSONNEL AND OTHER INCLUDING ADVISORS, MILITARY TRAINERS, MILITARY SPECIALISTS AND OTHER PERSONNEL SERVING IN MILITARY SERVICES, AND MILITARY PERSONNEL DISGUISED IN EMBASSIES AND CONSULATES IN LAOS, EXCEPT THOSE HAVING THEIR NAMES ON THE EMBASSIES' PERSONNEL LISTS AND RECOGNIZED BY THE PROVISIONAL GOVERNMENT AND INDICATED BY THE 1954 AND 1962 GENEVA AGREEMENTS, SHALL BE ENTIRELY WITHDRAWN FROM LAOS 60 DAYS FOLLOWING THE DATE OF THE FORMATION OF THE PROVISIONAL GOVERNMENT OF NATIONAL UNION AND THE JOINT NATIONAL POLITICAL COUNCIL.

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2. PARTICIPATING PARTIES SHALL PRESENT EACH OTHER THE FOLLOWING DETAILED PLAN ON WITHDRAWAL OF FOREIGN TROOPS ON ITS SIDE:

- NATIONALITY
- TYPE
- NUMBERS
- SERIES OF WITHDRAWAL
- WITHDRAWAL POINT
- METHODS OF WITHDRAWAL
- DATE AND TIME

B. DISMANTLING OF MILITARY AND SEMI-MILITARY ORGANIZATIONS.

1. FOREIGN MILITARY AND SEMI-MILITARY ORGANIZATIONS SHALL BE DISMANTLED 60 DAYS FOLLOWING THE FORMATION OF THE PROVISIONAL GOVERNMENT OF NATIONAL UNION AND THE JOINT NATIONAL POLITICAL COUNCIL.

2. PARTICIPATING PARTIES SHALL PRESENT THE FOLLOWING DETAILED PLANS ON DISMANTLING OF FOREIGN MILITARY AND SEMI-MILITARY ORGANIZATIONS:

- NAME OR ORGANIZATION

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- TYPE
- NUMBER
- LOCATION
- PERSONNEL NUMBERS
- FACILITIES, EQUIPMENT
- WITHDRAWAL POINT
- DATE AND TIME OF DISMANTLING AND WITHDRAWAL

C. DISMANTLING OF SPECIAL FORCES.

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1. SPECIAL FORCES ORGANIZED, ARMED, AND TRAINED AND COMMANDED BY FOREIGNERS AND SPECIAL FORCES BASES, MILITARY BASES AND COMMAND POSTS SHALL BE ENTIRELY DISMANTLED 60 DAYS FOLLOWING FORMATION OF THE PROVISIONAL GOVERNMENT OF NATIONAL UNION AND THE JOINT NATIONAL POLITICAL COUNCIL.

2. PARTICIPATING PARTIES SHALL PRESENT THE FOLLOWING DETAILED PLANS ON DISMANTLING OF THE FORCES AND BASES:

- NAMES (UNIT, BASE, COMMAND POST)
- TYPE
- NUMBER
- LOCATION
- NUMBERS (PERSONNEL, BASES, UNITS, COMMAND POSTS, MILITARY BASES)
- ARMAMENT
- DATE AND TIME OF DISMANTLING

D. TO STOP BEING INVOLVED WITH FOREIGN MILITARY FORCES.

1. TROOPS OF ANY PARTY ARE ABSOLUTELY PROHIBITED FROM RECEIVING WEAPONS AND WAR EQUIPMENT OF ALL KINDS FROM OTHER COUNTRIES. IN CASE WHERE IT IS NECESSARY

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TO EXCHANGE WEAPONS AND MILITARY EQUIPMENT WHICH ARE IN BAD CONDITION, THE TWO PARTIES MUST HAVE CONSULTATIONS AND AGREEMENT ON IT.

2. THE TWO PARTIES MUST STRICTLY IMPLEMENT THE ARTICLES IN THE 1954 AND 1962 GENEVA ACCORDS ON LAOS, WHICH BAN THE REINTRODUCTION OF MILITARY PERSONNEL, REGULAR TROOPS AND ALL KINDS OF IRREGULAR TROOPS OF OTHER COUNTRIES, AND WEAPONS AND MILITARY EQUIPMENT OF OTHER COUNTRIES INTO LAOS.

3. BOTH PARTIES ARE ABSOLUTELY PROHIBITED FROM CONCEALING FOREIGN TROOPS IN THEIR RANKS AND IN THEIR CONTROLLED AREAS.

4. BOTH PARTIES ARE ABSOLUTELY PROHIBITED FROM HAVING FOREIGN TROOPS DISGUISE THEMSELVES AS THEIR OWN TROOPS AND MILITARY PERSONNEL.

5. AN FOREIGN COUNTRY IS ABSOLUTELY PROHIBITED FROM USING LAO TERRITORY AS A SPRINGBOARD FOR INTERFERENCE IN THE INTERNAL AFFAIRS OF OTHER COUNTRIES WHICH BORDER LAOS.

AS FOR THE WITHDRAWAL AND THE DISSOLUTION OF TROOPS AND MILITARY PERSONNEL, FOREIGN MILITARY AND PARAMILITARY

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ORGANIZATIONS, AND THE DISSOLUTION OF THE SPECIAL FORCES AS WELL AS BASES, MILITARY FOUNDATIONS AND POSTS OF THE SPECIAL FORCES; THE TWO PARTIES HAVE AGREED TO SEND MOBILE JOINT UNITS TO SEEK, CONTROL AND MAKE ON-THE-SPOT INSPECTION AT THE PLACES OF WITHDRAWAL AND DISSOLUTION ON THE DATE AND TIME FIXED BY THE TWO PARTIES. IN THEIR CONTROL AND INSPECTION, THE TWO DELEGATIONS TO THE JOINT CONTROL COMMISSION CAN ASK FOR COOPERATION FROM THE INTERNATIONAL CONTROL COMMISSION.

IN CASES WHERE THERE IS SUFFICIENT EVIDENCE THAT THIS AGREEMENT HAS BEEN VIOLATED (OR REPORTS CAUSING SUSPICION THAT THERE ARE STILL FOREIGN TROOPS, MILITARY PERSONNEL OR SPIES CONCEALED IN CONTROLLED AREAS OF ANY PARTY), THE TWO PARTIES AGREE TO SEND MOBILE JOINT UNITS TO MAKE INVESTIGATION (IMMEDIATELY) IN COOPERATION WITH THE INTERNATIONAL CONTROL COMMISSION.

CHAIRMAN OF THE PATRIOTIC FORC
DELEGATION TO THE JCIA:

SOTH PHETRASY

CHAIRMAN OF THE
VIENTIANE DELEGATION
TO THE JCIA:
(PHAGNA SOURAPHON

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RATSAPHAKDY)

- SOUKAN VILAYSAN -

3. THE DOCUMENT ENTITLED, "DRAFT AGREEMENT ON EXCHANGES OF SOLDIERS, MILITARY PERSONNEL AND CIVILIANS CAPTURED AND DETAINED DURING THE WAR, AND ON ACQUIRING INFORMATION ON THOSE MISSING DURING THE WAR" READ AS FOLLOWS:

IN ORDER TO IMPLEMENT ARTICLE 18 IN CHAPTER 7 OF THE PROTOCOL, THE TWO DELEGATIONS TO THE JOINT CENTRAL COMMISSION HAD CONSULTATIONS AND AGREED AS FOLLOWS:

1. THE TWO PARTIES MUST INFORM EACH OTHER OF THE NUMBER OF THOSE WHO WERE CAPTURED AND DETAINED DURING THE TIME OF WAR BY WRITING CLEARLY ABOUT THEIR NATIONALITIES AND TELLING IF THEY ARE SOLDIERS OR CIVILIANS; AND ALSO GIVE EACH OTHER THE LIST OF THE CAPTURED WHO DIED DURING THE TIME WHEN THEY WERE DETAINED.

2. EVERY TIME WHEN THE EXCHANGE WILL TAKE PLACE, THE TWO PARTIES MUST INFORM EACH OTHER 48 HOURS IN ADVANCE ABOUT THE NUMBER OF THE MEN WHO WILL BE EXCHANGED, THEIR ELEMENTS, THE PLACE OF EXCHANGE AND THE DATE OF EXCHANGE; AND MUST GIVE THE FOLLOWING DETAILS IN THE LIST:

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- NAME AND SURNAME
- NATIONALITY
- DATE OF BIRTH
- PLACE OF BIRTH (VILLAGE, DISTRICT, PROVINCE, COUNTRY)
- NAMES OF FATHER AND MOTHER
- NAME OF HUSBAND/WIFE
- RANK, POSITION AND DUTIES BEFORE CAPTURED
- DATE CAPTURED
- DATE DETAINED

3. AFTER THE EXCHANGE, THE TWO PARTIES MUST GIVE EACH OTHER AS SOON AS POSSIBLE THE INFORMATION EACH PARTY RECEIVED ABOUT THOSE WHO WERE MISSING DURING THE WAR TIME REGARDLESS OF THEIR NATIONALITIES.

4. WHEN A PARTY WANTS TO KNOW ABOUT ITS MEN WHO WERE MISSING DURING THE WAR TIME REGARDLESS OF THEIR NATIONALITIES, IT MUST MAKE A LIST GIVING THE ABOVE MENTIONED DETAILS AND GIVE IT TO THE OTHER PARTY WHICH WILL KEEP IT AND WILL TRY TO FIND OUT INFORMATION ABOUT THEM AS IT CAN.

5. IN AN EXCHANGE, IF IT IS NECESSARY TO DIG

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UP BONES OF THE MEN KILLED, THE TWO PARTIES HAVE AGREED TO
SEND MOBILE UNITS TO MAKE THE EXCHANGE. IF THEY CONSIDER
IT NECESSARY, THEY CAN ASK FOR COOPERATION FROM THE
INTERNATIONAL CONTROL COMMISSION.

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IF THERE ARE SOME PROBLEMS WHICH ARE NOT MENTIONED
IN THIS AGREEMENT, THE TWO PARTIES WILL CONTINUE ITS
CONSULTATION IN ORDER TO ADD SOME DETAILS TO THIS AGREEMENT,
WHICH WILL MAKE IT MORE COMPLETE.

THIS AGREEMENT IS EFFECTIVE ON THE DATE WHEN THE
TWO PARTIES SIGN IT.

CHAIRMAN OF THE PATRIOTIC FORCE
DELEGATION TO THE JCIA:
(SOTH PHETRASY)

CHAIRMAN OF THE VIENTIANE
GOVERNMENT DELEGATION TO
THE JCIA:
(PHAGNA SOURAPHON
RATSAPHAKDY)
- SOUKAN VILAYSAN -

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